

BAKER BOTTS LLP

30 ROCKEFELLER PLAZA
NEW YORK, NEW YORK
10112-4498

TEL +1 212.408.2500
FAX +1 212.408.2501
www.bakerbotts.com

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CRITICAL DEADLINE, SEND BY

Attorney Docket No. 077843.0113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)

Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS

Inventors : Paul G. Yock

For : Angioplasty Apparatus Facilitating Rapid Exchanges

INTERVIEW SUMMARY**SUBMITTED VIA FAX (571) 273-0100**

Mail Stop: Hatch-Waxman PTE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant acknowledges with appreciation the courtesy extended by Ms. Till during the interview with the undersigned at the U.S. Patent and Trademark Office ("USPTO") on September 3, 2008. In accordance with 37 C.F.R. § 1.2, Applicant summarizes herewith the details of the interview.

The interview was initiated pursuant to the duty of disclosure under 37 C.F.R. § 1.765 to identify the type and scope of information that may be considered material by the USPTO to a determination of entitlement to the extension sought pursuant to 35 U.S.C. § 156 for U.S. Patent No. 5,451,233 ("the '233 Patent"). During the interview, the following topics were discussed:

1. General background of the development, use and regulatory approval of rapid exchange catheters, bare-metal stent systems, and drug eluting stent systems, respectively. In support of this discussion, samples of the MULTI-LINK VISION® Coronary Stent System and the XIENCE™ V Everolimus Eluting

Attorney Docket No. 077843.0113

- Coronary Stent System, respectively, were shown.
2. Summary of all prior litigation involving the '233 Patent, including *Advanced Cardiovascular Systems, Inc. v. Medtronic, Inc.* (C.A. No. 95-03577).
 3. Medtronic, Inc.'s Notice of Motion and Motion to Modify Injunction after October 29, 2008; Memorandum of Points and Authorities in Support Thereof ("Motion") dated August 15, 2008, as filed in the United States District Court in the Northern District of California.
 4. The Citizen's Petition dated August 19, 2008, as filed on behalf of AngioScore, Inc. with the Food and Drug Administration.
 5. The USPTO's position regarding the applicable statutes, rules and case law for a patent term extension under 35 U.S.C. § 156 based upon regulatory review of a medical device, as set forth in the letter from the USPTO to the Honorable Howard L. Berman dated February 8, 2008; a copy of which is enclosed for reference.

Although not necessarily material or adverse to any determination of entitlement to the extension sought, Applicant will provide a written summary of topics 1 and 2, as well as a copy of the Motion and corresponding reply by Applicant for topic 3 and the Citizen's Petition and corresponding reply by Applicant for topic 4. These materials will be submitted to the USPTO as soon as practical after the corresponding reply is filed by Applicant.

Date: September 12, 2008

Respectfully submitted,



Daniel J. Hulseberg
Patent Office Reg. No. 36,554

Attorneys for Applicant
Customer No. 62,614
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2500